

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

LOWMORREO A. HARRIS, SR.,

Plaintiff,

v.

CHARLES DEVENDORF, et al.

Defendants.

ORDER

Case No. 14-cv-47-wmc
App. No. 17-2565

On May 15, 2018, this court granted plaintiff Lowmorreo A. Harris, Sr. leave to proceed *in forma pauperis* on appeal. Because plaintiff is a prisoner and subject to the Prison Litigation Reform Act, the court must determine whether plaintiff qualifies for indigent status for the purpose of proceeding on appeal without prepayment of the \$505.00 fee and, if so, what amount must be assessed as an initial partial payment of the appeal fee under the 1996 Prisoner Litigation Reform Act. In the May 15, 2018 order, this court found that plaintiff's appeal is not taken in bad faith, and that plaintiff is not barred by the three strikes provision of 28 U.S.C. § 1915(g) from proceeding with this appeal without prepayment of the entire fee.

From the trust fund account statement that plaintiff submitted, I conclude that plaintiff qualifies for indigent status. Further, I calculate plaintiff's initial partial payment of the \$505.00 fee for filing the appeal to be \$1.55. Plaintiff must submit this amount on or before June 7, 2018.

If the balance in plaintiff's regular account is not sufficient to make the initial partial appeal payment, arrangements will have to be made by plaintiff with prison authorities to pay some or all of the fee from plaintiff's release account. The only amount plaintiff must

pay at this time is the \$1.55 initial partial appeal payment. Before prison authorities take any portion from plaintiff's release account, they may first take from plaintiff's regular account whatever amount up to the full amount, is owed.

ORDER

IT IS ORDERED that plaintiff Lowmorreo A. Harris, Sr.'s request to proceed without prepayment of the \$505.00 appeal fee is GRANTED. Plaintiff may have until June 7, 2018, in which to submit a check or money order made payable to the clerk of court in the amount \$1.55. If, by June 7, 2018, plaintiff fails to pay the initial partial appeal payment, or show cause for failure to do so, then I will advise the court of appeals of plaintiff's noncompliance in paying the assessment so that it may take whatever steps it deems appropriate with respect to this appeal.

Further, the clerk of court is requested to insure that the court's financial records reflect plaintiff's obligation to pay the \$1.55 initial partial appeal payment and the remainder of the \$505.00 appeal fee.

Entered this 17th day of May, 2018

BY THE COURT:

/s/
PETER OPPENEER
Magistrate Judge